



Public Art Overview

What is Public Art?

The definition of public art continues to evolve -- as is reflected in the variety of definitions found in established public art ordinances. At its most basic level, public art can be "... defined as work created by artists for places accessible to and used by the public."¹ Public art programs managed by local and state government are frequently referred to as "percent-for-art" programs because of the predominant funding mechanism used. It is worth noting that the art/public art field distinguishes between, "public art" and "art in public places." The former implies a contextual, often collaborative approach to the creation of art that takes the site and other local factors into account, while the focus of the latter is on the art itself, not where it will be sited.

In Columbus, City Code Chapter 3115 (Columbus Art Commission) defines art as "...all forms of art regardless of its permanence, created in any medium, material or combination thereof. Art may take the form of individual works or site-specific installations integrated into the design and physical development of the capital improvement for which the art was created."

Types of Public Art Projects

1. Long-term works of art, such as, sculptures, fountains and memorials
2. Temporary works of art, such as, revolving and portable installations, temporary art events and types of art constructed of materials that will break down over time, such as some environmental works of art.
3. Integrated works of art, such as, benches, railings, stairs, flooring, glass works, surface treatments, etc. Commissions are usually determined, or artists secured early in the development process.
4. Design teams, whereby artists are engaged in the initial stages of a project to participate as full members of design teams. An artist's perspective can be infused into the design team's work, result in integrated or long-term placements of art work, or some combination thereof.

Public Art Programs

The majority of state and local public art programs are established by ordinance. This legislation usually establishes a public art program within an office of government, identifies program management, and establishes the basis for operating policy. In 2001 Americans for the Arts launched a national survey of public art programs. Of the 350 known public art programs, there was a 38% response rate. Of the respondents, approximately three-quarters (74.2%) reported that they operate with a public art

¹ Public Art: An essential Component of Creating Communities, March 2004, Americans for the Arts Monograph Series, p. 5.

ordinance, indicating the majority respondents administer public sector programs. Eighty-six percent of these programs reported that the public art ordinance allocates program funding.

Public Art Funding Models

- **Public**
- **Public-Private**
- **Private**

I. Public/Government Funding Models

The method used to fund public sector public art programs largely determines the quantity, type and character of the art that can be purchased. In addition to funding art and artist design services, consideration should be given to program administration costs and conservation of artworks.

A) Percent-for-Art

- Established by ordinance and the most predominant form of publicly funded public artwork.
- 1959 first percent-for-art ordinance passed in the United States establishes the Philadelphia Percent-for-Art program.
- As of December 2000, 300 cities, counties, states and federal agencies have adopted Percent –for-Art programs²
- A percentage formula is applied to capital improvement fund/budget (CIP)
- Percentages applied usually range from 1% to 2%
- Common elements found in percent-for-art programs (the details of which can differ), include:
 - Definition of eligible capital improvement projects (CIP) and budget elements to which the percentage formula can be applied;
 - Amount of percentage to be applied ;
 - Allocation of funds, e.g., pooled together; aggregated by funding department, or tied to specific CIP project budgets; and
 - Guidelines for expenditure, specifically, the division between administrative funds, project funds, and in some cases, conservation funds.

Examples of Municipal Percent-for-Art Programs

1. Seattle, Washington

- Established in 1973
- Program administered by the Mayor’s Office of Arts & Cultural Affairs, an agency of city government, (formerly the Seattle Arts Commission).

² Public Art Funding: Developing Percent for Art Programs, December 2000, Americans for the Arts Monograph Series, p.1.

- 1% of the city's capital improvement funds set aside for the commission, purchase and installation of artworks.
- Funds are pooled into one city-wide public art fund.
- Enterprise funds are placed in their own individual 1% set-aside funds.³
- Arts staff participate in capital improvement planning to identify potential project opportunities for public art enhancements and develop art budget.
- An annual public art plan is developed that identifies new and anticipated projects, and provides status reports on projects underway, including budgets.
- Early adopter (1976) of the "design team" approach to public art whereby artists are commissioned to work in collaboration with architects, engineers, and other professionals to integrate artist's ideas early into the design and development of a capital improvement project.
- Artists commissioned to author public art plans through percent –for-art funds. Plans can be project or neighborhood specific, as well as address general infrastructure categories like transportation and parks and community centers.

2. Phoenix, Arizona

- Established by ordinance in 1986.
- The public art program is administered by the City of Phoenix's Office of Arts and Culture.
- Up to 1% of the city's annual Capital Improvement Program is allocated to public art projects.
- Enterprise funds included in percent-for-art ordinance.
- Art funds pooled and retained by contributing department.
- Funding ordinance does not restrict art to 1% of the budget of any given project, but allows the percent-for-art funds from any given department to be pooled. Effectively, this means that some art enhancements are funded at amounts greater or lesser than, 1% of the project budget. Not all CIP activities receive art budgets – projects must meet certain criteria. High visibility/priority projects can have art budgets greater than 1%.
- Annual public art project plan is submitted to Council for adoption that identifies potential new projects and provides status updates on projects that have been previously approved and/or are underway.
- Phoenix has been in the process of updating its city-wide public art master plan. The plan identifies areas with high pedestrian activity, potential themes, types of

³ Until recently, the public art funds derived from utility projects were used for art enhancements to utility and other non-utility capital improvement projects. As a result of a ratepayer-generated lawsuit, a recent court ruling ordered that the program's percent-for-art funding from Seattle City Light and Seattle Public Utilities must be rescinded. The issue was one of nexus – electric and utility funds cannot be used on projects that have no relationship to the mission and purpose of the utility services.

artwork, etc. The plan also addresses major city systems/services (water, parks, landmark, vehicular, etc).

- Comprehensive program offering artist training and internships, artist-in-training residencies, public art list serve, links to national public art opportunities, public art panels, and other services.

Example of a Negotiated Public Art Program (Unique)

1. San Diego, California

- Established in 1992 by City Council resolution at the conclusion of a city-wide public art master plan.
- Resolution created Council Policy mandating the inclusion of artists in the design process and/or the commissioning of public art.
- Focuses on the City's capital improvement program and redevelopment agency projects.
- 2004 – Second resolution passed – preceded by a two year update to the San Diego Public Art Master Plan
- 2004 resolution increased the recommended public art set aside from 1% to 2%.
- Based on the yearly CIB, the City Manager annually recommends to Council an amount equal to 2% of eligible project costs from unrestricted funds be placed in a public art fund.
- Enterprise funds are not exempt from the 2% of eligible projects calculation. However, the funds remain with the enterprise funded division (e.g. individual water, sewer and electricity divisions).
- Council has the discretion to fund public art at an amount equal to, below or greater than the amount requested by the City Manager.
- Program is administered by the City of San Diego Commission for Arts and Culture (SDCAC), which is overseen by the Office of the Mayor.
- Projects for art enhancement identified collectively identified very early by department and SDCAC staff so that public art components are included in the CIB
- SDCAC prepares an annual public art work plan to Council proposing new and reporting on current and completed public art projects.

B. Other Public Funding Strategies

- Hotel/Motel Tax
- Sales Tax
- Use Tax

II. Public-Private Funding Models

Types of public-private funding models include codified developer contributions and joint city-county public art programs that receive public funds and are also engaged in entrepreneurial public art activities, i.e., fee-based consultation and project management.

Examples of Public-Private Funding Models: Developer Contributions

1. San Diego, California

- Civic Enhancement Allocation
- Established by ordinance in 2004.
- Applies to industrial and commercial development with a total building permit valuation greater than or equal to \$5 million.
- No final city occupancy approval may be granted unless a Civic Enhancement allocation in the amount equal to the code established valuation formula has been set aside in a manner in compliance with City Codes:
 - Application of 1% Civic Enhancement obligation formula:
 - For placement of publically accessible artworks on the development premises in an amount equal to the enhancement allocation. If the value of the art work is less than the total 1% Enhancement Allocation, the difference must be paid into the Public Art Fund
 - For dedication and maintenance of a portion of the development property that is open and accessible for (approved) cultural use. If the value of the cultural use is less than the 1% Enhancement Allocation, the applicant must pay the difference into the Public Art Fund.
 - Evidence of total approved expenditure of the calculated Enhancement Allocation is required before issuance of a Certificate of Occupancy Permit.
 - In order to assure ongoing open access to the art and/or cultural use, a declaration of covenant, conditions and restrictions in favor of the City will be recorded with the development.
 - Maintenance provisions apply.
 - Application of .5% Civic Enhancement obligation formula:
 - For payment of an in-lieu fee into the Public Art Fund
 - No building permit for the development is issued without payment of the in-lieu fee into the Public Art Fund.

2. Scottsdale, Arizona

- Art in Private Development program
- Established by ordinance in 1988
- Requires large-scale planned block developments within the downtown district to include a work of publically accessible art equal to 1% of the project's building valuation or make a contribution of equal value to the Downtown Cultural Trust.
- Since its adoption, the ordinance has yielded over \$3.8 million of publicly accessible private art
- Administered by the Scottsdale Cultural Council (SCC) under contract with the City of Scottsdale
- Art must be reviewed and approved -- a three stage process

- Applicant is referred to the SCC by city zoning one stop shop staff early in review process

III. Private Funding Models

Private public art funding models can take the form of private sector corporations constructing publicly accessible artwork as part of their building/campus development. This can take the form of sculpture parks, plazas with public art elements and/or installations, and major art collections that are placed on public display. More common are non-profit and foundation efforts. Museums and cultural destinations often display sculptures outdoors with easy public access. Non-profit sculpture parks, funded in large part by private trusts and foundations, (some with local government participation in the form of parks and other land acquisitions) have been in place for a while. Two examples as recent as 2009 include the Pappajohn Sculpture Park in Des Moines, Iowa and Citygarden in St. Louis, Missouri. Both parks are located downtown and considered cornerstones of their respective city's revitalization efforts.

A) Grants and Gifts

- Contributions of art or donations for the acquisition of art made to public agencies or foundations. (Foundations can be in the role of both grant making for the acquisition/maintenance of public art or the recipient and steward of public artworks.)
- Federal and State grants in support of public art and maintenance of collections.

B) Corporate Sponsorships

- Often part of corporate public relations strategies
- Support a broad range of public art related activities

C) Benefit Events and Sales

- Fundraising activities that allow donations to be made that are supportive of public art activities, e.g., "Cows on Parade" in Chicago.

D) Cultural Trust

- Fund established through the donation of private property, in most cases to a private entity.

Examples of Private Funding Models

1. Fairmount Park Art Association (FPAA), Philadelphia, Pennsylvania

- Founded by concerned citizens in 1872, it is the nation's first private, nonprofit organization, dedicated to integrating urban planning and public art.
- Focus is on commissioning, interpreting and preserving public art.
- Initial focus was on enhancing Fairmount Park with sculpture.
- Advocated for adoption of legislation to establish a city Art Jury
- Aided in the adoption of the nation's first percent-for-art legislation in 1959
- Known for a number of ground breaking public art programs, including, the award winning *New*Land*Marks: Public Art, Community, and the Meaning of Place*.
- *New*Land*Marks*, invited neighborhoods to participate in the program, which presented images and information about public art projects from around the world

and asked participants what they would like to leave to leave for future generations. Participant neighborhoods engaged with artists and participated in a yearlong dialogue and design process through public art workshops the artist/neighborhood teams presented their final proposals in a public forum, which resulted in five FPAA commissions.

- FPAA continues to promote public art and its importance in the creation and enhancement of public spaces.

2. Public Art Fund, NYC

- Founded in 1977
- Three major initiatives:
 - Major initiatives with established artists;
 - *In the Public Realm*, a program to realize projects by emerging New York artists. Selected artists create site-specific temporary art installations that take into account the public spaces and conditions of the urban environment in which the art is to be placed; and
 - Outreach efforts, including *Public Art Fund Talks*, and a publication series.
- Focus is on contemporary works of art;
- It is a nonprofit membership organization that also receives government, corporation and foundation support; and
- Since its inception, the Public Art Fund has presented more than 500 contemporary artists' projects throughout New York.